THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 4727 of 2007

08-03-2007

Between:-

Mohammed Raza Kazimi and three others.

Petitioners

And

The Special Deputy Collector,
Land Acquisition,
Municipal Corporation of Hyderabad,
Hyderabad and another.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 4727 of 2007

Oral order:

By a notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') dated 26-02-2007, the lands of the petitioners are notified for acquisition for the purpose of widening of the road from Vishweshvaraiah Statue to Santh Nirankari Bhavan, Khairatabad, Hyderabad. Urgency clause under Section 17 (4) of the Act has been invoked and the enquiry under Section 5-A of the Act was dispensed with. The draft declaration under Section 6 of the Act has also been published on 26-02-2007 itself. Widening of the road, particularly a road of the nature specified in the acquisition proceedings, could not have been an over-night decision. It is the product of long felt need and a persistent planning

and deployment of funds for the purpose of acquisition and execution of the road-widening programme. Therefore, the emergency clause invoked is irrational. The salutary process of an enquiry under Section 5-A of the Act, to ascertain the objections of the landowners, cannot be jettisoned on such irrational invocation of urgency clause.

On the aforesaid analysis, the invocation of urgency and dispensing with the enquiry under Section 5-A of the Act is declared 'irrational'. The draft declaration under Section 6 of the Act dated
26-02-2007 insofar as the petitioners' lands are concerned, is quashed. The respondents shall now proceed to issue a notice to the petitioners and other affected landowners, soliciting objections to the land acquisition proposals. On considering the objections, if lodged within the stipulated time, the respondents shall take a decision and pass a reasoned order on the landowners' objections. Till the decision of the respondents is communicated to the petitioners, they shall not be dispossessed.

The writ petition is allowed as above at the stage of admission, after hearing the learned Government Pleader for Land Acquisition. No costs.

GODA RAGHURAM, J

Dated:08-03-2007
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